

Defendant Shay Financial Services joins in the request that this Court state, pursuant to 28 U.S.C. § 1292(b), that the March 30, 2013 Order denying Defendants' Motions to Dismiss involves a controlling question of law as to which there is a substantial ground for difference of opinion and that an immediate appeal from the Order may materially advance the ultimate termination of this action.

Under 28 U.S.C. § 1292(b), a district court is not asked to permit an appeal by particular parties. Rather, the district court is asked to "state" that an "order involves a controlling question of law as to which there is substantial grounds for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation." 28 U.S.C. § 1292(b). Shay Financial requests that (1) the March 30, 2013 Order be amended to make that statement, and (2) the Court stay further proceedings until any appeal from the March 30, 2013 Order is resolved.

Respectfully submitted,

/s/ Mark R. McDonald

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CERTIFICATE OF SERVICE

I hereby certify that on May 1, 2013 a true and correct copy of the foregoing was filed via the Court's CM/ECF system which will send notification of such filings(s) to all counsel of record consenting to electronic service.

/s/ Mark R. McDonald
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